



THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: August 3, 2016


Susan V. Kelley

Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re
Tonya L. Howard-Simmons,
Debtor.

Chapter 7
Case No. 16-26594-svk

**ORDER IMPOSING FINE ON ANGELA BILLINGS
AND REFERRING CASE TO DISTRICT COURT**

The Debtor filed the petition in this case on June 28, 2016. She stated that Angela Billings served as bankruptcy petition preparer. (Dkt. No. 1, pp. 7-9.) Ms. Billings did not file a disclosure of her compensation. The Clerk's Office notified her of this deficiency by letter dated June 29, 2016 and directed her to file the disclosure within seven days. (Dkt. No. 7.) She did not do so.

The Court previously enjoined Ms. Billings from preparing bankruptcy petitions. In the case of Demetrice Linton, Case No. 14-26565-mdm, Ms. Billings charged more than the \$75.00 presumptively reasonable fee in the district. The case was dismissed, and on June 18, 2014, Judge McGarity ordered Ms. Billings to disgorge \$125.00 to the Debtor. (Dkt. No. 17.) Additionally, the Court imposed sanctions of \$500.00, payable to the Clerk of Bankruptcy Court, for Ms. Billings' violation of the Court's order to appear on June 17, 2014 and at a prior hearing. Finally, Judge McGarity enjoined Ms. Billings from acting as a bankruptcy petition preparer until further order of the Court. There was no order dissolving the June 18, 2014 order, nor is there evidence Ms. Billings complied with it.

On July 7, 2016, the Court entered an order to show cause in this case, ordering Ms. Billings to appear and show cause as to why further sanctions should not be imposed for failing to comply with Court orders and the bankruptcy petition preparer provisions of 11 U.S.C. § 110. (Dkt. No. 13.) The order to show cause stated that the failure of Ms. Billings to appear would result in fines and sanctions under 11 U.S.C. § 110(h)(5), including referral of this matter to the District Court for the imposition of criminal contempt sanctions. It also directed Ms. Howard-Simmons, the Debtor, to appear.

The Court held a hearing on August 2, 2016. Attorney Laura Steele appeared for the U.S. Trustee. After due notice, neither Ms. Billings nor Ms. Howard-Simmons appeared, and the

Court finds Ms. Billings willfully violated the Court's order to appear and show cause as well as the order enjoining her from acting as a bankruptcy petition preparer. Attorney Steele stated the U.S. Trustee would support the imposition of fines and referral to the District Court.

In the instant case, Ms. Billings prepared the petition in a faulty and incompetent manner. She did not disclose her compensation, even after the Clerk's Office directed her to do so. When the intake clerk initially reviewed the Debtor's paperwork, Schedule C, Form 122A-1, and the Summary of Assets and Liabilities and Certain Statistical Information forms were missing. Schedule A/B was not completed. The Debtor then contacted Ms. Billings on speakerphone in front of the intake clerk. The Debtor told Ms. Billings she was missing Schedule C, and Ms. Billings asked why they wanted that since the Debtor did not have any assets to protect. The Debtor also listed a car she did not own. Ms. Billings is clearly under a misapprehension of what forms are required.

IT IS THEREFORE ORDERED: On or before August 17, 2016, Ms. Billings shall pay a fine of \$500.00 to the Office of the U.S. Trustee, 517 E. Wisconsin Avenue, Room 430, Milwaukee, Wisconsin 53202. The U.S. Trustee is to inform the Court whether Ms. Billings pays the fine.

IT IS FURTHER ORDERED: These factual findings are certified to the District Court for consideration of whether sanctions should be imposed upon Ms. Billings for criminal contempt. The Clerk of Bankruptcy Court is directed to transmit to the District Court the record in connection with this case, as well as the documents listed on Exhibit A.

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Exhibit A

Demetrice Linton, Case No. 14-26565-mdm

<i>Date</i>	<i>Docket Number</i>	<i>Pleading</i>
5/27/2014	10	Order to Show Cause
6/18/2014	17	Court Minutes dated June 17, 2014 and Order Entered on June 18, 2014 regarding Order to Show Cause against Angela Billings as to why the bankruptcy petition preparer fees should not be disgorged for exceeding the court-imposed fee cap and for further sanctions